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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 1294/2025 & CRL.M.(BAIL) 1938/2025**

SAHIL @ AZRUDDIN @ CHUNNAAppellant

Through: Naomi Chandra (DHCLSC), Adv.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Nawal Kishore Jha, APP for State
(*through VC*)

Insp. Nagender, PS Nangloi.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **16.09.2025**

CRL.M.A. 27766/2025 & CRL.M.A. 27767/2025

1. Allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

CRL.M.A. 27768/2025 (*seeking condonation of delay*)

3. This is an application filed under Section 5 of the Limitation Act, 1963, seeking condonation of delay in filing the present appeal.
4. The learned counsel for the respondent submits that he has no objection, if the delay is condoned.
5. In view of the contentions raised in the application and for the reasons stated therein, the present application is allowed and the delay in filing the appeal is condoned.



6. Accordingly, the present application stands disposed of.

CRL.A. 1294/2025

7. The present appeal has been filed under Section 415(2) of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (“BNSS”) assailing the Judgement dated 31.05.2025 and Order on Sentence dated 09.06.2025, passed by the learned Additional Sessions Judge-04, West District, Tis Hazari Courts, Delhi (“Trial Court”) in Sessions Case No. 542/2017 pertaining to FIR No. 222/2017 for the offences punishable under Sections 302/324/174-A/34 IPC and 25 Arms Act, registered at Police Station Nangloi.

8. Learned counsel for the counsel submits that *vide* Judgment dated 31.05.2025, the appellant has been convicted under Sections 302/34 IPC and by Order on Sentence dated 09.06.2025, he has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 5 lakhs, in default whereof, to further undergo rigorous imprisonment for a period of 1 year.

9. Learned counsel for the appellant submits that the learned Trial Court erred in failing to properly appreciate the testimony of PW-6, Smt. Shyamlat, who is the sole eyewitness and an interested witness; her presence at the scene of the incident is highly doubtful since she neither called police at the time of the incident nor she called any of her relative at the place of incident. He submits that the learned Trial Court erred in appreciating that despite the murder of deceased being committed in highly populated area, no independent eyewitness joined the investigation at any stage.

10. Admit.

11. Learned APP accepts notice of admission of appeal.

12. The Registry shall ensure that paper book is prepared and placed on record, before the next date of hearing.



13. The Registry shall ensure that paper book is prepared and placed on record, before the next date of hearing.

14. Let Trial Court Record, in digital form, be requisitioned before the next date of hearing.

CRL.M.(BAIL) 1938/2025

15. The present application has been filed under Section 430 BNSS read with Section 528 of BNSS seeking suspension of sentence and release of the appellant on bail during the pendency of the instant appeal before this Court.

16. Learned APP for State seeks time to file reply.

17. Let reply be filed within a period of two weeks, with advance copy to the opposite side.

18. Nominal Roll of the appellant be also called, from the concerned Jail Superintendent before the next date of hearing.

19. In view of the mandate of the Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr.*** (2022) 9 SCC 321, intimation be issued through the IO/SHO to the kith and kin of the deceased, who may either appear in person or through video conferencing or be represented through an Advocate, on the next date of hearing.

20. In view of the directions passed by the Supreme Court in the case of ***"Kaushal Singh vs. The State of Rajasthan"*** 2025 SCC OnLine SC 1473, decided on 18.07.2025, the learned counsel for the appellant seeks time to place an affidavit on record, thereby stating about the past involvement of the appellant in criminal case(s), if any, registered against him, containing all the particulars of the said case(s).



21. Let the affidavit be placed on record, within a period of two weeks, with an advance copy to the opposite side.
22. List on 14.10.2025.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

SEPTEMBER 16, 2025/rs/nc